

# Personnel Complaints

## 1201.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Easton Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

## 1201.2 POLICY

The Easton Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreement or memorandum of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

## 1201.3 FORMS

Form 23 How to Make a Formal Complaint  
Form 24 Complaint Against Personnel  
Form 24A Complaint of Brutality  
Form 29 Complaint Withdrawal  
Form 103 Confidential Memorandum

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.

## 1201.4 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy, or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy, federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department. Differences in opinion between a sworn member and a citizen over the issuance of a traffic citation, parking ticket and/or criminal arrest are not complaints unless the allegation reports misconduct.

### 1201.4.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

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**Informal-** A matter in which the Shift Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal-** A matter in which a supervisor determines further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

**Incomplete-** A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Deputy Chief of Police, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

#### 1201.4.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided
- (e) Tort claims and lawsuits may generate a personnel complaint

#### 1201.5 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.

A complaint may be received at any time and will be taken by a supervisor.

It is imperative that complainants are met with respect, courtesy and understanding. By projecting a negative attitude towards a complainant, the employee adds aggravation to a citizen that has already, in the citizen's mind, been treated unjustly by the Easton Police Department. A cynical attitude does nothing to further the core values or mission of the Easton Police Department.

Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in writing and in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

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A complaint may also be filed by email or orally, either in person or by telephone. Such complaints will be directed to the on-duty supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate. A complaint filed by email shall be directed to the Office of the Deputy Chief of Police.

Citizens making complaints shall provide a name, mailing address and phone number or email if they wish to receive notifications regarding the complaint.

If the complainant alleges any injuries or damages, photographs should be taken and medical attention offered, if appropriate.

Personnel receiving the complaint will not discuss the nature of the complaint with the involved member or other unauthorized person.

If the complainant is only seeking information about the procedures involved in making a complaint, the member shall provide the complainant with a Form 23 and a Form 24.

If the complainant is intoxicated or under the influence of alcohol, the complaint will be accepted and the member receiving the complaint will make note of the complainant's condition on a Form 47.

Supervisors shall ensure that all formal and informal complaints are documented on a complaint Form 24. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible and forward the Form 24 to the commander of the member of whom the complaint is being made.

A member wishing to file a complaint on another member will document the complaint on a Form 103, Confidential Memorandum and forward it to the commander of the member involved.

#### **1201.6 STATEMENT OF INCIDENT- FORM 24**

- (a) The Form 24 must be typed or legibly handwritten, in ink
- (b) Will be signed by the member receiving the complaint and by the complainant
- (c) The complainant's refusal to sign, or lack of signature will not invalidate the complaint
- (d) The original Form 24 will be forwarded to the Office of the Deputy Chief. One copy may be given to the complainant.

##### **1201.6.1 COMPLAINT OF BRUTALITY**

A complaint against a law enforcement officer that alleges brutality in the execution of the law enforcement officer's duties may not be investigated unless the complaint is signed and sworn to, under the penalty of perjury, by:

- (a) the aggrieved individual:
- (b) a member of the aggrieved individual's immediate family;

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- (c) an individual with firsthand knowledge obtained because the individual:
  - 1. was present at and observed the alleged incident; or
  - 2. has a video recording of the incident that, to the best of the individual's knowledge, is unaltered; or
- (d) the parent or guardian of the minor child, if the alleged incident involves a minor child.

#### **1201.7 COMMANDERS RESPONSIBILITY**

Review the Form 24 to determine the seriousness of the complaint. Conduct an administrative inquiry to see if the complaint has any factual basis and forward his findings on a separate Form 103 with the Form 24 to the Deputy Chief.

The commander will confer with the Deputy Chief when complaints concern minor complaints or violations such as, but not limited to:

- (a) Omissions of assigned duties.
- (b) Minor infractions of Department regulations.
- (c) Errors in judgment.
- (d) Matters that can be resolved to the satisfaction of the member's commander.

Will resolve the matter when the Deputy Chief concurs that no formal disciplinary action is necessary. In these situations, commanders will indicate how the matter was resolved on a Form 103, attached to the Form 24, and forward it to the Deputy Chief.

When the complainant does not want an investigation but merely an explanation, the member's commander will determine whether or not a formal investigation is warranted.

#### **1201.8 OFFICE OF THE DEPUTY CHIEF**

- (a) Will receive all complaints filed by email
- (b) Will notify the complainant within 72 hours of receiving the complaint, using the Form 25, the complaint has been received and will be reviewed.
- (c) Will review all complaints to ensure appropriate action is taken.
- (d)

##### **1201.8.1 INTERNAL AFFAIRS TRACKING NUMBERS**

Upon receiving any citizen complaint, the Deputy Chief will assign a tracking number to the complaint. Tracking numbers will be issued in numerical sequence and prefixed using the letters IA, for Internal Affairs, followed by the last two digits of the year (IA# 11-001.)

The Deputy Chief will assign a separate tracking number upon notification of a member becoming involved in a departmental collision. Tracking numbers will be issued in numerical sequence and prefixed using the letters DC, for Departmental Collision, followed by the last two digits of the year (DC# 11-001). If the collision is deemed preventable, then an IA Tracking Number will also be issued.

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The Deputy Chief will record all dispositions in a tracking number master record.

#### **1201.8.2 RECORDS AND FILES**

A "Complaint Against Personnel" master file will be securely maintained by the Deputy Chief of Police. The file is available for review only to the involved member, the commander or supervisor who supervises the members work and the Department's Legal Counsel.

The Law Enforcement Officers Bill of Rights provides for the expungement of any records of formal complaint if the member has been exonerated on all charges or if the charges are non-sustained or unfounded and three years have passed since the findings were rendered by the Department.

The Office of the Deputy Chief of Police will periodically review its records and without request from a member, expunge a formal complaint or other material for a member pursuant to the LEOBR.

All original reports and tapes will be forwarded to the Office of the Deputy Chief for filing.

#### **1201.9 WITHDRAWAL OF COMPLAINTS**

A request by the complainant to withdraw their complaint during the investigation should be made in writing on a Form 29, Complaint Withdrawal, but is not required. The request can be refused however, it is the policy of this Department to continue the investigation as far as possible without the assistance of the complainant.